

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**COMMISSION RECEIVABLES
FUND 1, LLC,**

Plaintiff,

VS.

**TOMMIE E. McILWAIN, SR. and
SENIORS CHOICE INSURANCE
GROUP INC.,**

Defendants.

8:11CV131

ORDER

This matter is before the court on the defendants' Amended Motion to Dismiss ([Filing No. 28](#)) and the plaintiff's Motion for Sanctions Under Federal Rules of Civil Procedure 37 ([Filing No. 41](#)). On November 23, 2011, the court gave the defendant Tommie E. McIlwain, Sr. until January 10, 2012, to schedule his deposition or show cause why the motion to dismiss should not be stricken. The plaintiff has not filed a deposition notice, a response to the motion to dismiss, or any motion seeking further court action, nor has Mr. McIlwain filed a response to the court's order. Accordingly,

IT IS ORDERED:

1. The plaintiff shall have until **on or before February 16, 2012**, to file a response to the defendants' motion to dismiss ([Filing No. 28](#)) or a motion for sanctions consistent with the court's November 23, 2011, order.

2. The Clerk of Court shall mail a copy of this order to the defendants Senior Choice Insurance Group, Inc. and Tommie E. McIlwain, Sr. at:

Tommie E. McIlwain, Sr.
2300 Shady Pine Court
Gastonia, North Carolina 28054

Tommie E. McIlwain, Sr.
1716 E. Ozark Ave.
Gastonia, North Carolina 28054

DATED this 2nd day of February, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge